

# Exhibit 95

**Republican Party Prepares Lawyers for Election Day Legal Battles; President Trump Accuses FDA of Playing Politics; Interview with Sen. Tammy Duckworth (D-IL). Aired 2-2:30p ET**

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**Guests:** Peter Hotez, Tammy Duckworth

**Highlight:** Republican officials say they are preparing for court cases on Election Day, stationing lawyers in polling places as **Christopher Wray** and Louis DeJoy express faith in mail-in ballot process. President Trump accuses his own FDA officials of playing politics as they consider increasing monitoring time of vaccine trials. Interview with Sen. Tammy Duckworth (D-IL) on Trump's lack of patriotism and deserved booing.

## **Body**

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[14:01:14]

BRIANNA KEILAR, CNN HOST: I'm Brianna Keilar, and I want to welcome viewers here in the U.S. and around the world.

American democracy is on the brink. The United States president has incessantly undermined faith in America's institutions and ideals for his personal benefit. He has consistently expressed his admiration for autocrats. But now, he's threatening to become one.

(BEGIN VIDEO CLIP)

UNIDENTIFIED MALE: Will you commit to making sure that there is a peaceful transfer of power after the election?

DONALD TRUMP, PRESIDENT OF THE UNITED STATES: Well, we're going to have to see what happens, you know that. I've been complaining very strongly about the ballots, and the ballots are a disaster. And --

UNIDENTIFIED MALE: I understand that, but people are rioting. Do you commit to making sure that there's --

TRUMP: -- and oh I know, no -- we want --

UNIDENTIFIED MALE: -- a peaceful transfer of power?

TRUMP: -- we want to have -- get rid of the ballots, and you'll have a very -- we'll have a very peaceful -- there won't be a transfer, frankly, there'll be a continuation.

(END VIDEO CLIP)

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KEILAR: By refusing a peaceful transfer of power, he's testing the boundaries of democracy and he's encouraging violence, there's no way around it. He's signaling to his supporters that if Joe Biden wins, it can't possibly be legitimate because, as he puts it, it's rigged.

TEXT: This week alone: Trump has praised violence against journalists; Trump campaign calls for "able-bodied" election squads; Dismisses Russia attacking election; Campaign pushing manipulated Biden videos; Claims he can override FDA on vaccine; Grades response A+ as 202,000 die; Contradicts CDC

KEILAR: Also this week, Trump has praised violence against journalists. His campaign videos were asking able-bodied people to form election squads, which historically were used to intimidate people of color from voting. Trump has dismissed the fact that Russians are attacking this election to hurt Joe Biden. His campaign and his Republican allies have pushed manipulated videos of his opponent, which social media companies won't take down.

Trump is claiming that he can override the FDA on making guidelines stricter for a vaccine, fueling new fears that this vaccine is being politicized to help him get re-elected. He gives himself an A-plus for his failing coronavirus response in the same week that we lost our 200,000th American to this disease. Trump is contradicting the head of the CDC on masks and vaccines.

And that is just this week, with less than six weeks until Election Day.

The FBI also warned this week that foreign actors will try to spread disinformation on the election outcome. What's clear is that they'll be following the playbook of President Trump, who is already doing this in plain view.

Two top officials today are pushing back against the president's claims on mail-in voting. Postmaster Louis DeJoy, saying that Trump is incorrect when he alleges the post office won't be able to handle the surge in mail-in ballots. And FBI director **Christopher Wray**, when pressed this morning on whether the ballots were secure, said this.

(BEGIN VIDEO CLIP)

SEN. GARY PETERS (D-MI): Is voting by mail secure?

**CHRISTOPHER WRAY**, DIRECTOR, FEDERAL BUREAU OF INVESTIGATIONS: Well, Senator, I think what I would say is this, we take all election-related threats seriously, whether it's voter fraud, voter suppression, whether it's in-person, whether it's by mail. And our role is to investigate the threat actors. Now, we have not seen -- historically -- **any kind of coordinated national** voter fraud effort in a major election, whether it's by mail or otherwise.

(END VIDEO CLIP)

KEILAR: The Trump campaign and Republicans however are already involved in legal fights over mail-in voting on a state level. CNN's Kristen Holmes is following this for us.

So, Kristen, what can you tell us about this side of the story?

KRISTEN HOLMES, CNN NATIONAL CORRESPONDENT: Well, Brianna, this has been a big part of the Republican strategy, this legal side. Now, when it comes to the campaign, you have Democrats and Republicans who have been tied up in the court, really over voter access restrictions. Democrats say that because of the pandemic, they want to give people more opportunity to vote. Republicans say that they want to protect the voter laws that are already in place. But those are just on the campaign level.

You have so many more things going on on the legal side of things. For example in Wisconsin, there were Republican attorneys who were supporting a Green Party candidate getting on the ballot in the attempts to harm a Democrat when it came down to that race. In Michigan, there is a Republican-led legislature where they cannot -- they will not -- allow votes to be counted ahead of Election Day.

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This is a huge deal when it comes to absentee ballots because of the fact that there's going to be so many of them, and that is a swing state. So these are things that could delay the election.

Now, while we go through this long list of court cases, many of them in swing states, we haven't even talked about what's going on for the planning after the election. There is already so much in place for these -- both campaigns, really. But Republican officials have told me that they believe that this election is going to be delayed, it's going to be held up in the courts. And they are ready for that.

At one point, I had an official telling me that there were going to be lawyers in polling places, particularly in areas in swing states where large numbers of absentee ballots were going to be counted. The reason being that they would be there to watch and get reported to from poll watchers so they could file litigation almost immediately, in real time. So they are preparing for a fight, they do believe this is going to end up in the court system.

KEILAR: All right, Kristen, we'll be watching. Thank you so much for that.

And this just in, the CDC now projecting as many as 226,000 coronavirus deaths in this country by October 17th. This comes as the head of the FDA chose not to comment today about President Trump's threat to override his own regulators about a coronavirus vaccine timeline.

Several sources say the FDA is weighing proposals like adding an extra 60 days to the process in order to increase the monitoring time of patients in these trials. That of course would push a vaccine beyond Election Day, and it would dash the president's political timeline for one.

Now in response, the president is turning the tables. He's accusing his own government of playing politics through those proposed stricter guidelines.

(BEGIN VIDEO CLIP)

TRUMP: Well I'll tell you what, we're looking at that, and that has to be approved by the White House. We may or may not approve it. That sounds like a political move.

(INAUDIBLE) extremely political, why would they do this when we come back with these great results? And I think you will have those great results.

UNIDENTIFIED MALE: Well, when do you expect this vaccine?

TRUMP: Why would we -- why would we be delaying it? But we're going to look at it, we're going to take a look at it.

(END VIDEO CLIP)

KEILAR: All right, I want to bring in Dr. Peter Hotez. You are involved in a vaccine trial at your university, Baylor College of Medicine. Can the White House -- can you explain this to us, and do you know? Because I know that you're involved in the race for the vaccine, and this is a regulation issue. But can the White House override the FDA and short-circuit the approval process?

PETER HOTEZ, PROFESSOR AND DEAN OF TROPICAL MEDICINE, BAYLOR COLLEGE OF MEDICINE: The answer is, we're not -- I'm not sure. I'm told yes, HHS, Department of Health and Human Services, has the ability to override the FDA. I think it would be a catastrophic disaster if they did that.

You know, we've worked very hard to put in place all of the pieces of Operation Warp Speed. It's a very good program. I was on the NIH Active Vaccine Working Group that helped put pieces of this together, it is a very robust program, the clinical trials are carefully designed to maximize the likelihood that we'll have a vaccine that is both effective and safe.

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The trials are going well, the integrity of the trials is high. You know, we've had a lot of discussions -- I'm unhappy with the communications around the program, but the scientific integrity is intact, that's a fact. So when you start hearing the president potentially saying he's going to undermine it or have Secretary Azar override the FDA, that scares me quite a bit.

And you know what's going to happen, Brianna? The American people would never accept it. They trust the scientists, we have a robust system in place of regulatory science, and that's what the American people want to see. They know, they've seen the president already do things like this with hydroxychloroquine and what a disaster that was.

So I think if he were going to try something like that it would backfire, but hopefully the scientific community, we can hold -- toe the line on this one.

KEILAR: Let's also talk -- look, we know on the virus that it does mutate, I think about every couple weeks. Correct me if I'm wrong on that, but we do know for certain now that it is mutating, so what does that mean and does that make it harder to develop immunity, that you might be immune to one strain but not another?

HOTEZ: Well, Brianna, RNA viruses mutate, that's a known fact about RNA viruses. So far, the accumulation of mutations does not seem to have translated into changes in terms of how sick the virus makes you or how transmissible it is. But there is a recent report now that one of the substitutions, one of the changes due to mutations in part of the spike protein may cause the virus to be more transmissible.

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And so for instance here in Texas where the study was done, there was an increase in the amount of virus that had one particular mutation. But there's disagreement among the scientific community of whether that's actually translating into how contagious it is or whether it's affecting the severity of illness.

So bottom line is, viruses do mutate but whether -- and this one does too, and it's been useful to help determine the lineage of the virus. So for instance, we know that the virus that came into the United States, into New York City and causes that terrible epidemic in New York City, came in from Europe. So viruses' mutations allow us to determine lineages.

But whether that actually translates into how sick it makes you or transmissibility, we're still working that out.

KEILAR: All right. Dr. Hotez, thank you so much. We really appreciate it.

And next, I'll be asking Senator Tammy Duckworth, a decorated veteran, what she makes of President Trump's refusal to commit to a peaceful transfer of power.

Plus, two police officers shot in Louisville as protests erupt over the Brianna Taylor case. Now, there are calls to release the grand jury transcript.

And the president, booed on the steps of the Supreme Court as he went to pay respects to the late Justice Ginsburg.

[14:15:38]

(BEGIN VIDEO CLIP)

KAYLEIGH MCENANY, WHITE HOUSE PRESS SECRETARY: The president will accept the results of a free and fair election. He will accept the will of the American people.

UNIDENTIFIED MALE: So for clarity, if he loses and it's free and fair, he will accept it?

MCENANY: I've answered your question, he will accept the results of a free and fair election.

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(END VIDEO CLIP)

KEILAR: That was White House Press Secretary Kayleigh McEnany moments ago, attempting to clarify after the president was refusing to commit to a peaceful transfer of power if he were to lose in November. I'm now joined by Democratic Senator Tammy Duckworth. Senator, thanks for joining us today. And I wonder, having listened to that, where she was saying "a free and fair election," I think the question might be, is whatever the outcome, will Trump consider it to be free and fair? What are your concerns as you hear the White House press secretary clarifying, but maybe still leaving some questions out there?

SEN. TAMMY DUCKWORTH (D-IL): Well, I'm appalled that President Trump would say what he has said. You know, this is the kind of think that tin-pot dictators and authoritarian regimes do: They sow confusion and distrust in the democratic process, and they don't participate in peacefully handing over power when they lose, and they don't accept any results unless it's one where they win.

You remember, Saddam Hussein used to make people prick their fingers and then bleed for him quite literally, that's not the kind of nation that we are. And it's shameful that the president would speak the way he did last night and that they are now putting all sorts of caveats up, which means we just all have to work that much harder to get our mail-in ballots turned in and to go to vote at the polls, whichever works best for you.

KEILAR: What power does Congress have to ensure a peaceful transfer of power if Trump loses the election?

DUCKWORTH: Well you know, let's cross that bridge when we get to it. What we need to do right now is focus on the issues at hand. You know, he is doing this -- and the things that he is saying is really to distract the American people from the fact that he is trying to ram through a new Supreme Court nominee when the majority of the American people believe and feel that the winner of the presidential election should be the one who picks the next Supreme Court nominee.

And part of what they're trying to do is if they can seat this justice, he or she will be able to influence the outcome of the election if it does go to the Supreme Court the way Bush v. Gore went to the Supreme Court.

KEILAR: It seems clear now that whatever the outcome of the election and whenever we get that, there's going to be this large chunk of the country that does not accept the validity of the outcome. What are your concerns about that?

DUCKWORTH: Well, that's a real concern. We need to come together as an American people, and I spent 23 years in the military, safeguarding our democracy. It's shameful that right now it's the commander in chief who is trying to tear down our institutions, something as sacred as voting.

Remember, this is the same administration that has taken mail sorting machines offline and tried to cut off the Postal Service at the knee so that they can't process our mail-in ballots as well.

Well, we can fix that, we can all go to the polls and we can vote. And if you want to mail in your ballots, mail in your ballots. But we will win, we will win overwhelmingly in November. KEILAR: If the president does not cooperate with a peaceful transition of power, what does that signal to you about the state of our democracy?

DUCKWORTH: Well, it signals to me that President Trump is a flawed president. He -- this -- he's the one, right? He is the one person who's saying this, he's the one person that is fomenting this -- the distrust in our system, and we can't allow him to continue with that.

You know, we need to cut this cancer out of our democracy, and let's -- you know, let's take it to the polls and let the American people decide.

KEILAR: When you heard -- or it was a written statement, but Senate Majority Leader Mitch McConnell said there will be an orderly transition of power, he basically said there always has been one, there will be an orderly transition

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of power. There are other Republicans -- Congresswoman Liz Cheney among them, Senator Mitt Romney -- who have come out and said this as well.

I wonder, when you look -- of course, you know, they're not using the language the Democrats are, but they did come out and say something and say there is going to be this orderly transition. What do you expect though from them if it comes to the point where they may have to weigh in if Trump refuses?

DUCKWORTH: I've wanted the same thing for my Republican colleagues I've wanted all along: put the needs of the nation and the will of the American people above their own personal ambitions. This is not something this president has done, he's always put his own personal gain above that of the American people.

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And I would ask my Republican colleagues -- not just one or two, but all of them -- to step forward and say it is wrong. It is wrong for this president to try to sow discord and distrust in our electoral process, it is wrong for him to say that he won't accept the outcome of the election. And I need all the Republicans to say that, not just one or two of them.

KEILAR: I want to turn to the politicization of the coronavirus, because the president said that he has the power to short-circuit the FDA's approval process. And there are a majority of Americans who are worried, they're hesitant about taking a vaccine that he has politicized. Would you take a vaccine if it is available to take, if it's on the market?

DUCKWORTH: If the vaccine was properly researched and if it was properly developed according to all of the existing protocols that we have for developing vaccines, then of course I would take it.

But let me just make it clear, the vaccine alone is not going to be able to combat coronavirus. What we need first is widespread and low- cost or free testing and contact tracing. The vaccine, we know -- and scientists have told us -- the vaccine alone can't solve this problem, and it's not going to make coronavirus magically disappear the way this president keeps wishing that it would.

He's the one that botched the response to this pandemic, we now have 200,000 dead Americans, this is on his hands. And millions more Americans -- over 6 million Americans -- have also tested positive for this virus.

We need to have testing, we need to have contact tracing, and then we can start to open our economy. All of these things, this president has failed to do.

KEILAR: A former senior military advisor to the president, retired General Paul Selva, has endorsed Biden for president, and he's joining 500 other officials and national security experts in that. How significant is that to you and do you think it signals anything to the rank and file? Because the president has been very clear about trying to draw a wedge between leadership and the rank and file.

DUCKWORTH: The president has tried to do that, but because he has politicized the military, used them against peaceful demonstrators who are out exercising their First Amendment right here in Washington, D.C., he has lost the support of the military.

"Military Times" just did a poll a couple of weeks ago that showed that for the -- that if the election were now, over 50 percent of currently serving military men and women would not vote for Donald Trump. So it's not just the leadership, it's rank and file as well. They are disappointed in him, they don't particularly care for being called losers and suckers.

And he has shown himself to not carry any of the values that the military values so much, such as discipline, honor, integrity, selfless courage, loyalty: none of these values that our military men and women practice every single day are practiced by Donald Trump.

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KEILAR: The president went to pay his respects to Supreme Court Justice Ruth Bader Ginsburg this morning, and he was booed. Let's listen to this.

(BEGIN VIDEO CLIP)

(BOOING)

(END VIDEO CLIP)

KEILAR: What is your reaction to that?

DUCKWORTH: It's sad. It's sad that our democracy has come to this, that the president of the United States would have so wrongly treated the American people that he would be booed. It's bad for our democracy, but it is fitting for this president. He has earned those boos, he's earned those jeers and he is going to earn losing the election on November 3rd.

KEILAR: Do you think there's any disrespect there? I mean, I just look at this scene -- right? -- and it's sort of jarring to hear the boos while you're looking at -- DUCKWORTH: Yes.

KEILAR: -- the late justice lying in state. Is it disrespectful to her as you see it?

DUCKWORTH: I don't think it's disrespectful to her, but it is very sad. It is very sad that our democracy -- that she upheld for all of those years of service, for those decades of service -- that we're at this point because of one man. One man has gotten us to this point. But you know, he's been aided and abetted by my Republican allies -- colleagues, his Republican allies in the Senate and in the House.

And it makes me deeply disappointed that we're here now, which is why more than ever we must elect Joe Biden to be president, to restore the dignity and the values to the White House that the American people, you know, embrace.

KEILAR: Senator Duckworth, it's good to see you. Thanks for being on.

DUCKWORTH: Thank you.

KEILAR: The governor of Kentucky, now joining calls to make the grand jury transcript public in the Breonna Taylor case as protests are erupting in Louisville and across the country.

[14:24:46]

Plus, the governor of Missouri, who has refused to wear masks in public, is now positive for COVID and so is his wife.

KEILAR: Louisville, erupting in anger and grief over a grand jury's decision not to charge any of the three officers involved in the Breonna Taylor case directly with her killing.

More than 100 individuals were arrested following fiery protests in the city, and two Louisville police officers were shot; both are expected to recover. Demands are now growing for Kentucky Attorney General Daniel Cameron to release the grand jury transcript in the Breonna Taylor case, Kentucky's governor saying this:

[14:30:00]

**Load-Date:** September 24, 2020